

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DONALD LEE WELSH, JR.	:	CIVIL ACTION NO. 1:CV-12-CV-1640
	:	
Plaintiff	:	(JUDGE KANE)
	:	(Magistrate Judge Mehalchick)
v.	:	
	:	
LEBANON COUNTY PRISON, et al.	:	
	:	
Defendants	:	

**ORDER**

Before the Court in the captioned action is an April 8, 2014 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Mehalchick.
- 2) The Plaintiff shall proceed with his Eighth Amendment failure to protect claim against Defendant Ponce only, as outlined in his Amended Complaint dated July 22, 2013, (Doc. No. 53). All other defendants are **DISMISSED WITH PREJUDICE** as to Plaintiff's Eighth Amendment failure to protect claim.
- 3) All other claims and defendants in the amended complaint (Doc. Nos. 39, 51 and 53) are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), 28 U.S.C. § 1915A(b)(1), and 42 U.S.C. § 1997e(c)(1).

4) The matter is **REMANDED** to the Magistrate Judge for further proceedings and to rule on any pending motions.

s/ Yvette Kane  
YVETTE KANE, Judge  
United States District Court  
Middle District of Pennsylvania

Dated: April 29, 2014